IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

NOTICE OF MOTION NO.46 OF 2006

IN

SUIT NO.20 OF 2004

IN

TESTAMENTARY PETITION NO.749 OF 2003

1.Mahesh Kishandas Shroff & others. ...
Petitioners/Plaintiffs

vs.

1.Jaisukh Nagardas Bhuta & others. ...Caveators/Defendants

and

1. The Kapol Co-op.Bank Ltd. & another. ...Respondents.

Mr.N.R.Gandhi i/b. Rustomji & Ginwala, for Petitioner.

Ms.FZB Kamdin i/b. FZB & Associates, for Respondents.

CORAM: D.K.DESHMUKH,J.

DATED: 7th September,2006.

P.C.:-

By consent of parties, the notice of motion is disposed of in the following terms:-

1. It is common ground that this notice of motion has already been granted in terms of prayer clause (b). The parties have no objection to this notice of motion being granted in terms of prayer clause (c) to (g). Accordingly, this notice of motion is granted in terms of prayer clause (c) to (g).

2. So far as prayers (c) and (d) are concerned, the Receiver of this Court is appointed as Receiver of the Silver Utensils left behind by the deceased which are presently lying in the premises which was occupied by the deceased at the time of death.

3. The Receiver first shall take steps to make inventory of the silver utensils and shall also make provision for safe custody of those silver utensils till they are sold. After making inventory, the Receiver shall appoint valuer to get sliver utensils valued and thereafter, shall take steps to sell the silver utensils by adopting usual procedure that is adopted by the Receiver in the matter of sale. At the time of taking each step, the Receiver shall give notice to the plaintiffs as also to the defendants.

4. The sale proceeds of the Silver utensils be invested by the Receiver in fixed deposit in a nationalised bank to the Credit of Suit no.20 of 2004. The disposal of that sale proceeds shall be governed by

the order that the Court may pass in the petition.